

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATHANIEL WARD-EL,

Plaintiff,

Case No. 12-14875
HON. GEORGE CARAM STEEH

vs.

JIM LUCKEY,

Defendant.

_____ /

ORDER OVERRULING PLAINTIFF'S OBJECTIONS TO MAGISTRATE JUDGE'S
RULING ON MOTION TO COMPEL DISCOVERY (DOC. # 13)

Before the court is an untitled document filed by *pro se* plaintiff Nathaniel Ward-El, a state prisoner, in response to the Magistrate Judge Laurie Michelson's order denying reconsideration of her order striking plaintiff's motion to compel. The court is construing this as an objection to the magistrate judge's order.

Plaintiff filed this lawsuit against the law librarian at the Cooper Street Correctional Facility in Jackson, Michigan in November 2012, alleging wrongful retaliation for filing a grievance and denial of access to the law library. Shortly after filing his complaint, plaintiff filed a document he entitled "Request Motion to Compel Discovery" (Doc. # 5). The magistrate judge, noting that the "motion" was actually a request for discovery as to defendant, who had not yet been served, entered an order striking the filing. Plaintiff then filed a motion for reconsideration of the order, which was denied.

While it appears from the record that the defendant has now been served with process, the plaintiff's objection to the magistrate judge's ruling remains meritless. As

provided in the orders of the magistrate judge, this court has no authority or mechanism for serving a party's discovery requests. Accordingly, the court finds no error in the magistrate judge's determination, and overrules plaintiff's objections to the magistrate judge's order. Any discovery desired by plaintiff must be pursued in compliance with the applicable Federal Rules of Civil Procedure, which apply to *pro se* litigants just as to those represented by counsel. Plaintiff's request for appointment of counsel, which he includes in his objections, is **DENIED**.

IT IS SO ORDERED.

Dated: April 17, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 17, 2013, by electronic and/or ordinary mail and also on Nathaniel Ward-EI #240660, West Shoreline Correctional Facility (MTF), 2500 S. Sheridan Drive, Muskegon, MI 49444.

s/Barbara Radke
Deputy Clerk